



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 5, 1998

Ms. Heather Silver  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-0617

Dear Ms. Silver:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113057.

The Dallas Police Department (the "department") received an open records request for arrest reports of several individuals which "specifically involve a charge of aggravated sexual assault of a child committed" by a named individual. You have submitted to this office a representative sample of the requested police reports and contend that the reports are subject to the confidentiality provisions of chapter 261 of the Family Code. We believe the provisions of chapter 261 govern the release of the requested records for the following reasons.

Section 261.001(1)(C) of the Family Code defines "abuse" as the "physical injury that results in substantial harm to the child . . . ." A person having cause to believe that a child's physical welfare has been "adversely affected by abuse" must make a report of the suspected abuse to an "appropriate" agency, which includes a local law enforcement agency, for investigation. Fam. Code §§ 261.101, .103. The report must reflect the reporter's belief that the child "has been or may be abused or neglected *or has died of abuse or neglect.*" *Id.*, § 261.102 (emphasis added).

Section 261.201(a) of the Family Code, which governs the release of the investigating agency's records, provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed

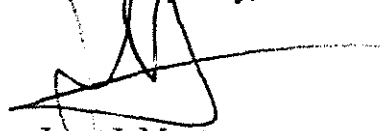
only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, *the files, reports, records, communications, and working papers used or developed in an investigation under this chapter* or in providing services as a result of an investigation. [Emphasis added.]

Given the above and the examination of the information submitted, we therefore conclude that the confidentiality provisions of section 261.201 extends to law enforcement records concerning investigations of abuse. The release of the records at issue,<sup>1</sup> therefore, are governed by section 261.201 of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 113057

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Enclosures: Submitted documents

cc: Ms. Rebecca Hamilton  
3228 Basil Court  
Dallas, Texas 75204  
(w/o enclosures)